STATE OF TENNESSEE Department of Commerce and Insurance 500 James Robertson Parkway Nashville, TN 37243-1131 PH - 615.532.5260, FX - 615.532.2788 Jerald.E.Gilbert@tn.gov

May 19, 2015

State Auto Insurance Company P O Box 182822 Columbus, OH 43218 NAIC # 2919 Certified Mail Return Receipt Requested 7012 3460 0002 8949 2261 Cashier # 19930

Re: Riar'S Inc. And Sammie Riar D/B/A/ Riar'S V. State Auto Insurance Company

Docket # Ct-000680-15

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served April 30, 2015, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert Designated Agent Service of Process

Enclosures

cc: Circuit Court Clerk Shelby County 140 Adams Street, Rm 324 Memphis, Tn 38103 684969 OFFICE SERVICES

MAY 26, 2015

CHQ-P-3

Case 2:15-cv-02369-SHL CIRCUIT CHANCERY) COURT OF PENNESSEE PAGE 2315 APR 20 AM 11:28

140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103 FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

2015 Apr 20 AM 11:28 CLERK OF COURT - CIRCUIT

SUMMONS IN CIVIL ACTION

| Julie Mix McPeak Department of Commerce & Insurance 500 James Robertson Parkway Davy Crockett Tower Nashville, Tennessee 37243-0565 You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on LARRY A. WEISSMAN Plaintiff's attorney, whose address is 5118 PARK AVE., STE 600, MEMPHIS, TN 38117, telephone +1 (901) 763-2134 within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint. | | ⊙ Lawsuit | 96 670 00 |
|--|---|---|---|
| Defendant(s) TO: (Name and Address of Defendant (One defendant per summons)) Method of Service: Certified Mail | Docket No. CT-000680-15 | O Divorce | Ad Damnum \$ 60,079.00 |
| Plaintiff(s) TO: (Name and Address of Defendant (One defendant per summons)) Method of Service: State Automobile Insurance Company, drb/a State Auto Insurance Companies Service through Commissioner of Insurance: Julie Mix McPeak Department of Commerce & Insurance: Julie Mix McPeak Department of Commerce & Insurance: Julie Mix McPeak Down Service through Commissioner of Insurance: Julie Mix McPeak Down Service through Commissioner of Insurance: Julie Mix McPeak Down Service through Commissioner of Insurance: Julie Mix McPeak Down Service through Commissioner of Insurance: Julie Mix McPeak Down Service though Commissioner of Insurance: Julie Mix McPeak Other TN County Sheriff (s) Other TN County Sheriff (s) Other TN County Sheriff (s) Private Process Server Other (s) Attach Required Fees You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and Palantiff's attorney, whose address is 5118 PARK AVE, STE 600, MEMPHIS, TN 38117 Telephone +1 (901) 763-2134 within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fall to do so, a judgment by default may be taken against you for the relief demanded in the Complaint. TESTED AND ISSUED By TO THE DEFENDANT: NOTICE: Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice: Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a Judgment. If a Judgi should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the Items you for claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you therefare ancessary how contain such apparel, family portraits, the family Bible and school books. Should any out frees exeed, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, | | | |
| TO: (Name and Address of Defendant (One defendant per summons)) Method of Service: State Automobile Insurance Company, d/b/a State Auto Insurance Companies Service through Commissioner of Insurance: Julie Mix McPeak Department of Commerce & Insurance Julie Mix McPeak Department of Commerce & Insurance Journal State (S) Oother TN County Sheriff Oother TN County Sheriff (S) Attach Required Fees You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on LARRY A. WEISSMAN You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on LARRY A. WEISSMAN You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and Plaintiff's attorney, whose address is 5118 PARK AVE, STE 600, MEMPHIS, TN 38117 To THE DEFENDANT: NOTICE: Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice: Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgishould be entered against you in this action and you wish to daim property as exempt, you must file a written list, under oath, of the items you to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you therefier as necessary to contains such apparel, family portains, the family gibble and school books. Should any ot these the judgment becomes final, it will not be effective as to any armshment issued prior to the filing of the list. Cert items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for jourself as your family and trunks or other receptacles necessary to contains such apparel, family portains, the family glibble and school books. Should any othese items be seized, | | VS | |
| TO: (Name and Address of Defendant (One defendant per summons)) Method of Service: State Automobile Insurance Company, d/b/a State Auto Insurance Companies Service through Commissioner of Insurance: Ulie Mix McPeak Octom | | | |
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| JIMMY MOORE , Clerk / DONNA RUSSELL, Clerk and Master | Shelby County, Tennessee, certify this to be a tru | | |
| JIMMY MOORE , Clerk / DONNA RUSSELL, Clerk and Master | | | |
| | JIMMY MOORE , Clerk / DONNA RUSSELL, C | lerk and Master | |

| Case 2:1 | <u> 5-cv-02369-SH</u> | L-cgc Doc | ument 1-1 | Filed 06/01 | L/15 ₽ %G P | <u> 32₀f 037947jel</u> 6 | 03_052 |
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| and a copy of the Con | nplaint to the follow | ring Defendant | t | | | | |
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| To the named Defend | lant | | | | | | |
| because | | is (are) not | to be found ir | n this County af | ter diligent sea | arch and inquiry for t | he following |
| reason(s): | | | | | | | |
| This | day of | · | , 20 | . | | | |
| | | | | | | | |

By: ______ Sheriff or other authorized person to serve process



The Shelby County, Tennessee Circuit Court

Case Style:

RIARS INC VS STATE AUTOMOBILE INS CO

Case Number:

CT-000680-15

Type:

SUMMONS ISSD TO MISC

OSC and

Ms Sheri C Carter, DC

Electronically signed on 04/20/2015 11:34:46 AM

ELECTRONICALLY FILED 2015 Feb 16 PM 3:14 CLERK OF COURT - CIRCUIT

IN THE CIRCUIT COURT OF TENNESSEE FOR THE THIRTIETH JUDICAL DISTRICT AT MEMPHIS

Riar's, Inc. and Sammie Riar, d/b/a Riar's Catering Company, Inc.

Plaintiff,

VS.

No. CT-0001080-15

State Automobile Insurance Company, d/b/a State Auto Insurance Companies

Jury Demanded

Defendant.

COMPLAINT FOR DAMAGES

COMES NOW, Riar's, Inc. and Sammie Riar and in support of their complaint, would show unto the Court as follows:

- 1. Plaintiff, Sammie Riar is a resident of Memphis, Shelby County, Tennessee.
- 2. Plaintiff Riar's, Inc. is a corporation organized and existing under the laws of the State of Tennessee. This corporation is wholly owned by the plaintiff, Sammie Riar and together they have been doing business as Riar's Catering, Inc. The reference to the plaintiffs or plaintiff herein refers to the above named parties.
- 3. The Defendant, State Automobile Insurance Company, herein referred to as "State Auto", is a foreign corporation organized under the laws of the State of Ohio and is authorized to engage in the insurance business in Tennessee and is subject to service of process through the Commissioner of Insurance for the State of Tennessee. On information and belief, the defendant is also doing business as State Auto Insurance Companies.

- 4. The Plaintiff is at all times mentioned, the owner of what is commonly known as 661 Monroe in Memphis, Shelby County, Tennessee 38104. The improvements on the property consist of one commercial structure herein referred to as the "building".
- 5. At all times pertinent hereto the plaintiff maintained a general casualty and property damage insurance policy issued by the defendant insuring the building. The policy number is CP 10 30 (04/02).
- 6. The full amount of the premium specified in the policy was paid by plaintiff.
- 7. On or about December 19, 2012, at a time when the policy was in full force and effect, plaintiff sustained a loss as a result of a storm. This loss was in the amount of approximately \$28,893.00.
- 8. Following the loss and damage, plaintiffs gave defendant notice of the loss and damage by reporting it to State Auto. The claim was assigned claim number SPP2484712.
- 9. Plaintiffs have performed all the conditions imposed on herby the terms and provisions of the policy of insurance, as well as any and all requirements in connection with the loss and damage made on her by the defendants.
- 10. On or about February 16, 2014, the defendant denied liability for the loss based on the assertion that the loss was not due to ordinary wear and tear and deterioration for which there is no coverage.
- 11. The plaintiffs dispute the denial of the claim for the reasons that the loss occurred from a storm. The plaintiffs have attempted to demonstrate this to the defendant without success. The plaintiff retained an engineer to evaluate the nature of the loss who opined

that the damage was from a storm.

- 12. Since December 19, 2012, the defendant has failed and refused to pay plaintiffs' claim under the subject policy or any part of the claim.
- 13. The refusal of State Auto to pay the claim is in bad faith and plaintiffs are entitled to recover from State Auto, in addition to the loss, an amount equivalent to three times the amount of the loss as a result of the wrongful denial of the claim. In addition, the plaintiff is entitled to recover her attorney's fees for the prosecution of this case as permitted by TCA 47-18-109.

WHEREFORE, plaintiffs request judgment against defendants for:

- 1. Damages in the amount of \$28,893.00;
- 2. Treble damages for the refusal to pay the claim in good faith in the amount of \$86,679;
- 3. Legal interest on such damages awarded from the date of judgment until paid;
- 4. Reasonable attorney's fees as determined by the Court upon the hearing of this cause;
- 5. Costs of suit; and
- 6. Such other and further relief as the court deems just and proper.

JURY DEMANDED

RESPECTFULLY SUBMITTED

Larry A. Weissman (8527) 5118 Park Avenue, Suite 600 Memphis, TN 38117 (901) 763-2134 larry@memphislawfirm.net

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State of Tennessee Dept. of Commerce & Insurance Service of Process 500 James Robertson Parkway Nashville, TN 37243



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